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FRESH LIGHT

ON

ROMAN BUREAUCRACY

An Inaugural Lecture

Delivered before the University of Oxford

on March 11, 1920

By

H. STUART JONES, M.A.

Camden Professor of Ancient History in the University of Oxford

OXFORD

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NOTE.—The papyrus which forms the subject of this lecture is now included in Paul M. Meyer's collection of *Juristische Papyri* (Berlin 1920), No. 93; and its bearing on some questions of Roman Law is discussed by O. LENEL and J. PARTSCH in *Sitzungsberichte der Heidelberger Akademie der Wissenschaften*, 1920, No. 1

FRESH LIGHT ON ROMAN BUREAUCRACY

In two years' time the foundation of Sir William Camden will celebrate its tercentenary. It has had a long, but not in all periods a distinguished, history. Amongst the earlier occupants of the chair there are few whose names are now remembered, and those few won their fame in other fields than that of Ancient History. In the eighteenth century the chair was held in succession by a Lord Chancellor and a Poet Laureate, but no one would now connect the names either of Lord Stowell or of Thomas Warton with the study of classical antiquity. Later still, we find Elmsley in the Camden chair, but he will always be remembered for the scholarship displayed in his editions of Euripides. George Rawlinson, the last Professor under the old statute, was also the first to rest his title to fame solely upon historical research.

With the coming into effect of the reformed statute there ensued important changes. In the first place, a home was found for the Camden chair within the walls of this most hospitable of foundations. Secondly, there was found that special tie between the chair and the study of Roman history which has been provisionally confirmed by a Decree of the University and is not likely to be easily broken. What is of still greater importance, the two holders of the chair since 1889 set a standard of distinction as historians and teachers to which it will be difficult indeed for their successors to

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attain. With both of them it was my privilege to form ties of friendship, the memory of which I shall always treasure. HENRY PELHAM, Scholar, and afterwards President, of the Foundation of which I was for many years a member, belonged by birth to that circle of great families from which England has drawn, century after century, a succession of fit persons duly qualified to serve God in Church or State. From his ancestry he drew that political tradition and intuitive grasp of the principles of government which gave him a sure understanding of the growth and working of the institutions of the ruling race of the ancient world; no one could have been better fitted to build on the foundations so well and truly laid by Mommsen, interpreting the results of the German historian's researches with a balance, a judgement, and a practical insight which Mommsen, condemned by the political conditions of his time to a fruitless and often bitter opposition, could hardly be expected to display. It was an unkind fate which first visited him with partial failure of eyesight and then cut short his days. But fate was even less kind to his successor. FRANCIS HAVERFIELD, with a grasp of essentials and realities as firm as that of Pelham, looked at the ancient, and especially the Roman, world from a somewhat different angle. He was less interested in the arts of government—though in these, too, he was well versed—than in the life of the governed. How men lived under the Roman dominion, and especially how they lived in our own island, albeit, as he himself called it, 'an unimportant province in a vast and complex Empire'—this it was his passionate desire to know. But he was well aware that only by infinite patience and by the minute examination of sites and the remains they have yielded up can such questions be answered;

and he was still collecting the material for a new 'Britannia', which would have given us an adequate measure of the progress of knowledge since Camden's day, when his thread of life was untimely snapped. One can render him no higher tribute than to say that no single scholar can complete that task as he would have completed it; it must, and doubtless will be carried to its conclusion by a band of organized workers. Thanks to his teaching and inspiration we have in Oxford sound and vigorous traditions, and although the war took a terrible toll of our younger historians—space forbids me to do more than mention LEONARD CHEESMAN and GUY DICKINS, with whose names I would gladly couple that of one who did not die by the hand of the enemy, HENRY JULIAN CUNNINGHAM—I doubt not that those whom I hope I may call my fellow workers will maintain those traditions, and, I should like to add, will not merely contribute to the advancement of learning, but will also help to restore—as scholars can and should—the broken comity of nations.

I have chosen for the subject of this lecture an ancient document, discovered some years since, but only recently published, the study of which will, I think, convince the most sceptical that there is still progress to be made in the field of Ancient History, which some perhaps believe to have been wellnigh exhausted by intensive cultivation. If I were asked to give a title to this document, I could only describe it in Greek as *ὁ γνώμων τοῦ ἰδίου λόγου*. There may be those among my hearers to whom this phrase conveys no very precise meaning. If any such person were to seek enlightenment in the lexicon of Liddell and Scott, he would find amongst the meanings of the word *γνώμων* a metaphorical use (like that of the Latin *norma*) in the sense of 'a rule of life'. It

does indeed bear this sense in the *Hermotimus* of Lucian (§ 76), but that passage is not cited in the lexicon. Here we find the usage illustrated by a not very apt quotation from Theognis (l. 543), where the poet speaks of judging a suit *παρὰ στάθμην καὶ γνώμονα*—'by line and square'—and further supported by the phrase *τὸν γνώμονα τοῦ ἰδίου λόγου προσέχειν*, cited from the *Corpus Inscriptionum Graecarum* 4957. 44. There, if we assume the restoration in the *Corpus* to be correct, the words *παρακελεύσομαι τὸν γνώμονα τοῦ ἰδίου λόγου προσέχειν* could have but one meaning, viz. 'I will issue instructions to the Controller of the Privy Purse to attend to the matter.' For the document in question is none other than the famous Edict of Tiberius Julius Alexander, Viceroy of Egypt in the year of the Four Emperors, of whom I shall presently have more to say, and the meaning which I have assigned to the phrase under consideration is that which was given to it by all scholars down to and including Dittenberger, who published a revised text of the Edict in the *Orientis Graeci Inscriptiones*, No. 669. It was pointed out in the *C. I. G.* that the sense of *ἴδιος λόγος* was made clear by a passage of Strabo (xvii. 1. 12), who enumerates amongst the financial officers of the imperial administration in Egypt *ὁ προσαγορευόμενος ἴδιος λόγος, ὃς τῶν ἀδεσπότων καὶ τῶν εἰς Καίσαρα πίπτειν ὀφειλόντων ἐξεταστής ἐστιν*, i. e. an official charged with enforcing the claims of the *fiscus* on what in Roman law were called *bona vacantia et caduca*, i. e. escheats, lapses, and forfeitures. It was natural to assume that, as Egypt was treated as an appanage of the imperial crown rather than a province of the Roman people, the *ἴδιος λόγος* was equivalent to the 'privy purse' of the Emperors, *ratio privata*, as it would be expressed in Latin; and that *γνώμων* in the Edict of

Alexander was the title of its controller. It can now be shown that the second of these propositions is untenable and the first improbable. In the first place, although γνώμων is used of persons in the sense of an official inspector, as at Athens[1] and probably also at Iasos,[2] it also bears the meaning 'tariff', rightly assigned to it by Liddell and Scott on the authority of an ancient lexicon,[3] and is not uncommon in this sense in inscriptions and papyri. For example, the tariff of desert-tolls discovered by Mr. Flinders Petrie at Koptos[4] is called a γνώμων, and, what is more pertinent to the question before us, in an Oxyrhynchus papyrus of A. D. 13,[5] certain dead timber is claimed by the ἴδιος λόγος 'under the terms of the tariff' (κατὰ τὸν γνώμονα), and Messrs. Grenfell and Hunt, in their note on the passage, implied that this was the meaning of the word in the Edict of Alexander. We shall soon see that this has now been placed beyond doubt, and that Dittenberger's restoration of the inscription must be revised.

Furthermore, the discoveries of the sixty years which followed the publication of the third volume of the *C. I. G.* brought many facts to light with regard to the ἴδιος λόγος. We learnt, for example, from an inscription which, though included in the *Corpus*, was then but imperfectly deciphered, that an official bearing the title ὁ πρὸς τῷ ἰδίῳ λόγῳ and holding the high titular rank of συγγενὴς τοῦ βασιλέως at the court of Alexandria, held office in the time of Ptolemy Auletes (57 B. C.); and papyri of the second century B. C. threw some light upon the nature of his functions. The most instructive of these is *P. Amh.* 31,[6] from which we learn that in

[1] Lys. vii. 25 : but the reading is doubtful.
[2] *S. I. G.* 96. 52. [3] *A. B.* 223. [4] *O. G. I.* 674.
[5] *P. Oxy.* 1188. [6] Wilcken, *Chrest.* 161.

112 B.C. a revenue official named Hermias, being on tour in the Pathyrite nome, received information that an Egyptian lady named Senpoëris had enclosed a plot of waste land without permission and planted it with date-palms. The lady was called to account, and a few strokes of the *kurbash*—delicately termed in official language πειθανάγκη—sufficed to induce her to admit the impeachment and to agree to the payment of 1200 dr. in copper, which, according to Ptolemaic practice, were treated at once as a penalty imposed for unauthorized plantation and as a price paid for crown property. The sum was paid into the royal bank at Hermonthis εἰς τὸν ἴδιον λόγον τῶν βασιλέων, which *prima facie* appears to mean the private account of the Crown.

Documents of the Roman period relating to the ἴδιος λόγος were not uncommon, but they presented some puzzling features. They confirmed the statement of Strabo that ἴδιος λόγος was used as the title of the administrator, besides its proper signification of the fund administered; they showed that he was an imperial *procurator* or, in Greek, ἐπίτροπος, and, when a fixed scale of salaries was introduced, a *procurator ducenarius* receiving 200,000 HS. per annum. We learnt from the Cattaoui papyrus,[1] which contains a collection of legal decisions in the matter of the marriage and inheritances of soldiers, that the ἴδιος λόγος exercised a jurisdiction independent of that of the *praefectus Aegypti* in certain cases. We found him, of course, concerned with ἀδέσποτα, and by stretching the use of this term we could explain how in the Oxyrhynchus papyrus above referred to two dry branches of a persea-tree growing on the tomb of the sacred animals in the village of Kerkeura, reported to be of the value of two drachmas,

[1] Mitteis, *Chrest.* 372.

should be claimed on his behalf. It was less easy to see why, in A. D. 194, application should be made to the ἴδιος λόγος by a Graeco-Egyptian named Eudaemon, son of Psois and Tiathreus, for permission to change his name to Eudaemon, son of Hero and Didyme, which application was granted 'without prejudice to any public or private claims'.[1] It was equally difficult to explain the connexion of the ἴδιος λόγος with ecclesiastical matters. A papyrus of the year A. D. 159–60 mentions an information laid before the ἴδιος λόγος against a priest of the god Soknopaios on the ground that he had allowed his hair to grow and worn a woollen garment. From the reign of Severus Alexander we have a packet of monthly nil-returns rendered by local officials in the name of Heracleopolis, whose duty it was to report any neglect of duty by the clergy of the village 'to the department of the ἰδιόλογοι and high priest'. It was largely upon the evidence of these documents that scholars based the theory that the ἴδιος λόγος was in fact identical with the 'High-Priest of Alexandria and Egypt' who in Roman times was the supervisor of the Egyptian State-Church and occupied a position similar to that of the Procurator of the Holy Synod in Russia under the Tsars. This conjecture, though it has been and still is generally accepted, is, as we shall presently see, very far from possessing the certainty which has been claimed for it.

Such was the state of our knowledge with regard to the ἴδιος λόγος up to the outbreak of the Great War. That the controller of the privy purse (as he was termed) was at the head of a department with which the population of Egypt of all classes was brought into constant

[1] Wilcken, *Chrest.* 52.
[2] *B. G. U.* 16; Wilcken, *Chrest.* 114.

contact, generally to its cost, was hardly suspected. His main concern, it was thought, was with the administration of the imperial estates, or *οὐσίαι*, once the possessions of members of the reigning house, such as Livia or Antonia, Germanicus, the two Agrippinas, and Messalina, or of favourites and freedmen like Seneca and Narcissus, but gradually absorbed by an inexorable process into the vast imperial patrimony; but, as we shall see, it is by no means clear that the management of these properties belonged to his functions.

Towards the close of 1913 a brief note in the monthly reports appended to the *Jahrbuch der preussischen Kunstsammlungen*, a periodical mainly concerned with the art treasures acquired by the Berlin Museum, conveyed to the few who read it the information that a recently discovered papyrus probably found at Theadelpheia in the Fayum, and presented by William II to the Museum, would, when published, be found to throw much fresh light on the Roman administration of Egypt, and incidentally on questions of Roman private law. With the outbreak of war the curtain fell; and it was not until 1919 that this remarkable document was published, with a brief introduction and a literal translation, as the first part of vol. v of the *Berliner griechische Urkunden*. The legal and historical commentary which it so sorely needs will no doubt in the fullness of time be supplied by Seckel and Schubart, but under present conditions we may have to exercise some patience in awaiting it. Fortunately it was minutely studied by Gerhard Plaumann, a scholar of great promise and amazing industry, whose death on the western front within three weeks of the signing of the armistice was a grievous loss to historical science; and his monograph on the *ἴδιος λόγος*, published in the transactions of the

Berlin Academy for 1918, as well as his article under the same title in the Encyclopaedia of Pauly-Wissowa, go some way, albeit but a very little way, towards supplying the want of a commentary.

The document which interests us was written on the back of an account drawn up by the *σιτολόγοι* of Bernicis, a small village in the neighbourhood of Theadelpheia, in the year A.D. 149. The Emperor Antoninus Pius is mentioned in it as living, and the careful script employed by the writer (who was not using his natural cursive hand) points to the middle of the second century A.D. The copy was probably made by the *κωμογραμματεύς* or village clerk of Theadelphèia, certainly in and for the use of his office.

Fortunately the opening words leave us in no doubt with regard to the nature and contents of the document. They read as follows:

το[ῦ γ]νώμον[ος], ὃν ὁ θεὸς Σεβαστὸς τῇ τοῦ ἰδίου λόγου ἐπιτροπῇ [παρ]εστήσατο, καὶ τῶν ὑπὸ χεῖρα αὐτῷ π[ρ]οσγεγονότ[ω]ν ἤτοι ὑπὸ αὐτοκρατόρων ἢ συνκλή[το]υ ἢ τῶν [κατ]ὰ καιρὸν ἐπάρχων ἢ ἰδίων λόγων τὰ ἐν μέ[σ]ῳ [κειρ]άλαια συντεμὼν ὑπέταξ[ά] σοι, ὅπως τῇ τ[ῆς] ἀναγραφῆς ὀλιγομερίᾳ τὴν μνήμην ἐπιστή[σας] εὐχερ[ῶς] τῶν πραγμάτων περι[κ]ρατῇς.

and may be translated thus:

'I have made an abridgement of the middle chapters of the code of regulations drawn up by the divine Augustus for the department of the *ἴδιος λόγος*, and the additions made to it from time to time by Emperors or by the Senate or by the Praefects for the time being or by the *ἴδιοι λόγοι* and set it before you in order that you may find in this brief compendium an aid to memory and be enabled easily to deal with the cases which come before you.'

The γνώμων τοῦ ἰδίου λόγου, then, was something more than a tariff: it was a code of regulations drawn up by order of Augustus for the guidance of the department. We do not, of course, possess it in anything like a complete form in our papyrus; apart from the fact that the document is mutilated towards the close, the writer expressly tells us that it is an abridgement, and an abridgement of a part only of the Code. It is, however, fairly clear that the chapters preserved to us are those which possess the greatest interest for the historian. We may recall that the *locus classicus* of Strabo described the ἴδιος λόγος as τῶν ἀδεσπότων καὶ τῶν εἰς Καίσαρα πίπτειν ὀφειλόντων ἐξεταστής, that is to say, it was his duty to claim for the *fiscus bona vacantia* and *caduca*, which we may here take in a wide sense to include not only such 'lapses' as passed to the *fiscus* but all forfeited and confiscated property. Now the Gnomon (as I shall hereinafter call our papyrus) has no section dealing with ἀδέσποτα, and I think it may fairly be assumed that the opening chapters of the Code of Augustus were concerned with these matters. Naturally enough, the κωμογραμματεύς might be assumed to be more familiar with the customary practice in the matter of ἀδέσποτα, including, as we saw, dead timber and the like, which concerned the everyday life of the village, than with the complicated questions of status and inheritance, which might baffle even a trained lawyer.

The papyrus is divided into paragraphs which are numbered consecutively up to eighty, but no farther, although there is no change of subject at that point. One hundred and fifteen of these are, on the whole, well preserved, and a few letters belonging to six others can be read. The first thirty-six paragraphs deal with lapsed or forfeited property; and in order to determine

when such lapse or forfeiture takes place, the Gnomon recapitulates, in no very logical order, a select number of the rules of inheritance, sometimes of the *ius civile*, but much more frequently of the *ius gentium*, and the special applications of these in Graeco-Egyptian law. The student of Roman law and of the local law of the Hellenized East (*Reichsrecht* and *Volksrecht*, to use the phrase of Mitteis) will find much to ponder over both in this section and in that which follows (paragraphs 37–54), where the status of persons is in question. We then have six paragraphs (nos. 58–63) on the registration of property, six on the passport system (nos. 64–9), and one which forbids officials to bid for Government property. Then follows a long section (paragraphs 71–97) on ecclesiastical matters, which is of great importance for the history of the relations between the Empire and the Egyptian Church; the remainder of the document contains a collection of miscellaneous regulations, for the contravention of which penalties were provided.

What is the logical bond of union between the disparate members of this body of rules? Why, in particular, was the supervision of the Egyptian clergy an affair of the ἴδιος λόγος? Does the name of the department contain any implication with regard to its scope and function? To these very pertinent questions Plaumann has endeavoured to supply an answer. We must, he argues, put aside the notion that ἴδιος λόγος means the 'privy purse' either of the Ptolemies or the Roman emperors, and interpret it rather in the sense of 'special account'. When we read in the papyrus of 112 B.C. above mentioned that the fine exacted from Senpoëris was paid into the bank at Hermonthis εἰς τὸν ἴδιον λόγον τῶν βασιλέων this does not mean that it was

credited to the 'private account of the crown', but to a special crown account kept for casual and irregular receipts. The ἀδέσποτα belong to this account because they are windfalls—sometimes in the literal sense of the word. Forfeitures and lapses, too, form no part of the current revenue of which an approximate estimate can be formed. And when we come to examine the sections of the Gnomon which bear on ecclesiastical matters we shall find that the *raison d'être* of the minute regulation of public worship is the revenue accruing to the treasury partly from the sale of offices of profit, partly from the exaction of fines for neglect of duty or breach of observances. I think, then, that Plaumann is justified in contending that all revenues not derived from regular taxation, whether direct or indirect, were swept into this 'special account'. It is not quite so clear whether the administration of crown property, especially that of the imperial domains, fell within the province of the ἴδιος λόγος. There was, as we know, an οὐσιακὸς λόγος or 'estates account', which was credited with the revenues of crown lands, and its relation to the ἴδιος λόγος remains a matter of dispute. Certainly the γνώμων in its present form has nothing to say on the subject of the οὐσίαι, nor can there have been room for a section dealing with them in the missing portion of the roll, which was not long. It is no doubt true that our Gnomon is but an abridgement of a part of the Code of Augustus, but we should remark, I think, that in the first place the accumulation of οὐσίαι in the hands of Caesar was a process which only had its beginning in his reign, and in the second place many of the most important, such as those of Maecenas, were acquired by inheritance and not by confiscation. It seems better therefore to regard the 'estates account' as a separate department, to which no

doubt such confiscated properties as were not sold by auction or private treaty were transferred by the ἴδιος λόγος.

Under the Empire, then, the ἴδιος λόγος, was in theory a special branch of the imperial treasury in Egypt. In practice it was more than this. It furnished the Government with a powerful, if indirect, lever in dealing with the social and even with the religious life of the country; and it soon became a finished instrument of fiscal oppression. To begin with, it supplied the means whereby the rigid hierarchy of classes and races characteristic of Egypt under Roman rule (as of course under that which preceded it) was maintained. At the upper end of the scale we have the *cives Romani*, at first mainly the official class with a thin sprinkling of traders and land-agents, constantly recruited from the ranks of the army by the grant of *civitas* on discharge, and from the servile population by the practice of manumission, although many of the freedmen attained only to the inferior status of *Latinitas* acquired by those informally manumitted. At the lower end came the native Egyptian population, the ancestors of the modern fellahîn, whose subjection was symbolized by the payment of the poll-tax. But between the two extremes there was a nice gradation of privilege and status. Next to the Roman and the Latin came the burgher of Alexandria, though even within that citizen-body there were fine shades of privilege which need not now concern us. Then the ἀστοί, or members of the other Greek communities, Ptolemais, Naucratis, and Hadrian's foundation of Antinoupolis: next the Hellenized element in the μητροπόλεις or urban centres of the νομοί, whose hallmark was the Greek education obtained in the γυμνάσιον, eagerly sought after by those who desired to rise in the

social scale; lastly, next above the mass of the fellahîn of the smaller villages, a class whose privilege consisted in the payment of reduced rates of poll-tax. It was incumbent upon the imperial bureaucracy to see to it that the boundaries which divided these classes, each of which lived under its own system of law, the πολιτικοὶ νόμοι of Alexandria, the ἀστικοὶ νόμοι of other urban foundations, and the ἐπιχώριος νόμος of the Graeco-Egyptian community, were not overstepped. This end was attained by an elaborate system of registration of persons and property (αἱ κατ' οἰκίαν ἀπογραφαί); by a searching examination into the credentials of those who put forward claims to any privileged status (ἐπίκρισις); by insistence on the most rigid accuracy in the nomenclature and description of individuals named in legal instruments (χρηματισμός); and by the application of complicated rules regarding intermarriage and inheritance. Failure to comply with such rules and regulations, as the Gnomon shows, entailed heavy penalties, sometimes even the forfeiture of the defaulter's estate, and it was the business of the ἴδιος λόγος, through his ubiquitous agents, to see that these were exacted. For instance, those who used false designations in legal documents were guilty of the offence described in the Gnomon as ἀκαταλληλία (a word which is not unfamiliar to those who have studied that dreariest work of Greek prose literature, the treatise of Apollonius Dyscolus on syntax, in the sense of a 'false concord'), and, together with such as append their signatures wittingly to the same instrument, are liable to the confiscation of one-fourth of their property—a fact which shows why it was necessary to apply to the ἴδιος λόγος for leave to exchange an Egyptian for a Greek name. It was the business of the ἴδιος λόγος, again, to sweep into the net of the *fiscus*

intestate estates, lapsed bequests to unqualified persons, and the like, and to defeat the ingenious contrivances by which it was sought to evade the law. To give an example: among the precedents recorded in the Cattaoui papyrus is the decision given by an unnamed ἴδιος λόγος in A.D. 136 in the case of one Cornelia, accused by informers of being in unlawful possession of seven slaves given her by her husband Acutianus in violation of the principle of Roman law, which forbade *donatio inter virum et uxorem*. The ἴδιος λόγος ruled, in accordance with the leading cases decided by various viceroys of Egypt, that as the marriage of soldiers was forbidden, the gifts made by Acutianus to Cornelia during his term of service were valid, while those posterior to his discharge were void. But Cornelia was not content with defeating the informer: she came into court once more and sued her husband for money placed with him on deposit. The ἴδιος λόγος, however, knew his business: had not Rutilius Lupus, praefect of Egypt under Hadrian, made short shrift of a similar suit in the *dictum* delivered in the case of Macrina *v.* Germanus: 'we know perfectly well that "deposit" means "dowry",' thereby disposing of one of the ingenious fictions by which it was sought to render nugatory the prohibition of marriage on service? So common did such evasions of the law become, that certain classes of cases were withdrawn from the jurisdiction of the ἴδιος λόγος and reserved for the cognizance of the praefect: the Gnomon tells us that this had recently been done in the case of fraudulent attempts to claim the citizenship of Alexandria, which was particularly valuable, since, as we know from the correspondence of Pliny with Trajan,[1] it was the necessary stepping-stone to the Roman *civitas* for the

[1] *Ep. ad Traj.* 6 (22), 7 (23).

Graeco-Egyptian; and it so happens that we find precisely such a case, tried in the year A.D. 142, in the collection of precedents above referred to.

It was therefore necessary for the ἴδιος λόγος to possess a working knowledge of the principles of the *ius civile* and still more of the *ius gentium*: and some portions of our abstract of the Gnomon cover ground which is familiar to us in the Institutes of Gaius, written, no doubt, within the years of the date of the papyrus, since the first book mentions Antoninus Pius as living, whereas in the second he is numbered with the gods. The result of the comparison of Gaius with the Gnomon and of both with other papyri is to show that neither work can pretend to completeness or accuracy. There are enactments recorded in the Gnomon which would naturally have found a place in the Institutes: as, for example, that the provisions of the *Leges Julia et Papia Poppaea*, which disqualified unmarried or childless persons from benefiting under a will, did not apply to estates of less than 100,000 HS. in the case of a man or of 50,000 HS. in that of a woman. Again, the Gnomon tells us that Vespasian confiscated inheritances left in trust by Greeks for Romans or by Romans for Greeks; but that one-half was allowed to be retained by those who admitted full liability and did not seek to evade the law. Gaius tells us (ii. 285) that *peregrini* were formerly able to benefit by *fidei commissa*, and that this was in fact the chief motive for the creation of such trusts, but that this was 'afterwards' prohibited (no date being given); further, that in his own time, by a Senatus consultum passed *ex oratione divi Hadriani*, property so bequeathed was liable to confiscation by the *fiscus*. How these statements are to be reconciled must be left to the lawyer. To take one more example, the grant of

bonorum possessio unde cognati by Hadrian in A.D. 119 to the descendants of soldiers dying intestate, which was known to us from a Berlin papyrus[1] and is referred to in paragraph 35 of the Gnomon, is omitted by Gaius. On the other hand, we do not find in the Gnomon, where we should most certainly expect it (although we do not look for it in Gaius), any allusion to the same emperor's grant of ἐπιγαμία with Egyptians to the citizens of his new foundation of Antinoë, nor to his rescript allowing Egyptians to succeed to the intestate estate of a grandmother, referred to in a Berlin papyrus edited by Mommsen.[2]

We find, however, some compensation for these omissions in the clauses which show how the principles of Roman law were extended by analogy to cases arising from the special conditions of mixed nationality in Egypt. Thus the principle of *erroris causae probatio*, by which a marriage contracted through a *bona fide* mistake by persons of unequal condition may, on proof of justifiable error, lead to the acquisition of *civitas* by the parties and their issue, was applied, as paragraph 47 shows, to mixed marriages contracted κατ' ἄγνοιαν between ἀσταί and Egyptians. On the other hand we have two provisions (paragraphs 39 and 46) relating to mixed marriages to which Roman citizens are parties, which are very hard to bring into agreement, since in the earlier section the child is said to acquire its father's nationality, while in the latter the case is governed by the rule of *Lex Minicia*, that where either parent is a *peregrinus* the child follows the inferior condition; and this principle is applied by paragraph 57 to the case of marriages between the inhabitants of

[1] *B. G. U.* 140; Mitteis, *Chrest.* 373.
[2] *Gesammelte Schriften*, i. 456 ff.; Bruns, *Fontes*[7], p. 410.

Paraetonium and ἀλλόφυλοι or Egyptians. It is to be hoped that the sections of the papyrus relating to marriage, inheritance, and the status of persons will receive the attention which they merit from students of Roman law; for the Berlin editors have not even provided us with a reliable translation. In paragraph 20 the Gnomon, alluding to the well-known provision of the *Lex Aelia Sentia*, by which a slave who has been put in chains cannot acquire on manumission a status higher than that of a *peregrinus dediticius*, states that bequests made by such freedmen are confiscated. Schubart's rendering, 'a slave born in chains,' is a palpable and indeed absurd error. It is somewhat surprising to find so learned a scholar, in his recently published *Einführung in die Papyruskunde*, quoting the introductory sentence of the Gnomon in order to to show that decrees of the Senate had force in Egypt, though an imperial appanage; the fact of course being that the writer refers to Senatus consulta such as the *S. C. Claudianum* or *S. C. Pegasianum* which laid down rules of private law.

Nor is it only the lawyer who will find matter of interest in the sections dealing with the status of persons. Sidelights are thrown upon the manners and customs of Roman Egypt. In the Athens of Menander a child exposed at birth was placed in a pot or cradle with a packet of keepsakes, which might furnish its parents with the means of future identification. In the villages of Egypt a more summary method was followed. The infant was deposited on the village rubbish-heap or κοπρία, together with the household refuse and the (to us) priceless fragments of classical literature; and, as several papyri of the first century show, it was a common practice to appropriate such an infant and put it out to nurse. It was not long before the practice attracted the

attention of the ἴδιος λόγος. The snapper-up of such unconsidered trifles as male infants forgot that these ownerless homunculi were ἀδέσποτα, and as such the property of the *fiscus*[1]; and by paragraph 107 of the Gnomon one-fourth of their worldly goods was rendered liable to confiscation!

Even the theologian may carry grist to his mill from the pages of this document. It appears from paragraph 47 that the term ἀπαρχή was technically used in the sense of a certificate of registration showing that the holder was of free birth, as opposed to the οἰκογένεια, which was the identity-paper of one born a slave; and this usage seems to throw a new light upon the phrase ἀπαρχὴ πνεύματος in Rom. viii. 23, usually translated 'the firstfruits of the Spirit'. When we read the passage which begins at verse 16, we see that St. Paul is here arguing that our claim to spiritual freedom is based on the witness of the Spirit to our sonship, just as in Egypt the μαρτυροποίησις of the parent was among the documents put in evidence in the procedure of ἐπίκρισις by which claims to privileged status were judged; and that in spite of this—in spite of the fact that we have, as it were, obtained through the mediation of the Spirit the certificate which entitles us to be registered as the sons of God—we are still awaiting our formal release from the bondage of the flesh and the law.

It will be convenient at this point to mention briefly the miscellaneous provisions grouped together in the closing section of the Gnomon, with which may be classed the regulations concerning passports and the export of slaves—regulations so stringent and involving such heavy penalties that the cases had recently been transferred to the cognizance of the praefect. Through-

[1] Schubart, *Einführung*, p. 466: P. M. Meyer gives a different explanation.

out these sections the exaction of penalties for breach of administrative regulations is the determining factor. Paragraph 100, for instance, establishes a scale of fines for failure on the part of notaries (συναλλαγματογράφοι) to register deeds at Alexandria within a limit of time varying according to the distance of the place where the contract was passed, and the paragraph immediately following imposes a penalty of 50 dr. on notaries who draw up mortgages or conveyances without previously obtaining the authorization (ἐπίσταλμα) of the land-registry at Alexandria, a practice forbidden (but without specified penalty) in the Edict issued by Mettius Rufus, praefect under Domitian, a copy of which is included in the collection of documents known as the Petition of Dionysia.[1] Next to this comes a paragraph which licenses Gymnasiarchs of Alexandria, in case of need, to import oil (no doubt from Syria) and to sell the surplus at the controlled price; if they fail to comply they are liable to the confiscation of their stocks and to the heavy penalty of 20 tal. for the violation of the Government monopoly.[2] A little farther on we come to provisions which forbid certain classes of civil servants to buy Government property sold at auction or to acquire provincial land, the latter prohibition being extended to those on military service. These instances will suffice to show at once the variety of topics dealt with in the code, and the guiding principle which unites them.

We must now turn to the sections which deal with the ecclesiastical affairs. It must be left to Egypto-

[1] *P. Oxy.* 237, viii. 27 ff.; Mitteis, *Chrest.* 192.

[2] Paragraph 105 fixes the maximum rate of interest for loans at 12 per cent., the penalty for the infraction of this rule being the confiscation of one-half of the creditor's and one-quarter of the debtor's estate.

logists to estimate the value of these paragraphs for the study of later Egyptian religion: our object is to deduce from the Gnomon the part played by the ἴδιος λόγος in the regulation of public worship. The notion that the controller of this department was the head of the State-Church seems at first sight to be confirmed by the regulations laid down with regard to the ordering of the sacred processions (κωμασίαι), the duties and privileges of the various ranks of the clergy and temple-attendants and so forth; but the more closely we examine these the more clear it becomes that here, as elsewhere, the fiscal interest predominates, and that the exaction of penalties (πρόστιμα) is the main object in view. The fact is that, as Rostowzew divined, the Egyptian Church under the Empire was 'no longer a political factor, but a fiscal instrument'. With the regular revenue derived from the γῆ ἱερά, the eminent domain in which was reserved to the emperors as it had been to the Ptolemies, the ἴδιος λόγος, so far as we are able to tell, had nothing to do; but apart from this there were considerable receipts to be derived from the fines paid by the *personnel* of the temples for the infraction of regulations. Reference has already been made to a papyrus dating from the end of the reign of Antoninus Pius which tells us of an information laid against a priest who wore woollen garments and allowed his hair to grow long. Now the very first paragraph of the ecclesiastical section of the Gnomon (paragraph 71) reads: 'It is not lawful for priests to engage in any business other than the service of the gods nor to appear in woollen garments nor to wear long hair, even if they are removed from the divine Psar'.[1] A few

[1] I do not venture to interpret this word, which occurs twice in the Gnomon. The editors suggest that it may be connected with

lines later (paragraph 75) we read: 'A priest was fined 200 dr. for neglecting his religious duties, and 200 dr. for wearing woollen garments: a piper was fined 100, a pastophoros 100.' And in the following paragraph (76) we are told that 'a priest who wore woollen garments and long hair was fined as much as 1000 dr.' Evidently it is the scale of fines which is of chief interest to the ἴδιος λόγος. In the light of this fact we must interpret the clauses which relate to the status and privileges of the various orders of the Egyptian clergy. Before the discovery of the Gnomon, Rostowzew had shown that in Roman Egypt the administration of temple property was in the hands of a collegiate body usually called πρεσβύτεροι, who had taken the place of the ἐπιστάται, or wardens, of Ptolemaic times. This was in accordance with the Roman practice of setting up quasi-corporate bodies jointly and severally responsible to the Government wherever fiscal interests were at stake. Of such bodies and their relations with the central administration the Gnomon has nothing to tell us. But the conduct of public worship was in the hands of a carefully graded hierarchy, the first order in dignity being that of προφῆται, who, if we may trust Clement of Alexandria, were responsible for the due performance of ritual. Next in order came the στολισταί, whose name denotes the keepers of the wardrobe belonging to the images of the gods; but besides this it seems that the sacred vessels and other properties were under their care. In the absence of προφῆται they were empowered to undertake their functions. Only these two orders were entitled to be described as ἱερεῖς: the

the Coptic *shar*, which properly means 'leather' and might be used of a 'roll' of the clergy; but the Reader in Egyptology informs me that this is improbable on philological grounds.

παστοφόροι, who carried the shrines containing the images of the gods in processions (κωμασίαι), are forbidden by the Gnomon to describe themselves officially as priests, while on the other hand they are permitted to occupy posts open to laymen.

Besides these, there are still lower grades, whose precedence is strictly regulated. Those who bury the sacred animals, says the Gnomon, may not be προφῆται, nor may they carry shrines in procession—in other words, they may not be παστοφόροι—nor even tend the animals whom it is their duty to bury. Now these are all offices of profit. Sometimes their holders enjoy πρόσοδοι, whose nature is not stated, but which are seemingly charged upon the temple revenues, since we read in the Gnomon that in every sacred precinct where there is a ναός there must be a προφήτης, and he is entitled to receive one-fifth of the πρόσοδοι. The incomes of the στολισταί, again, were derived from this corporate revenue: a στολιστής who neglected his duties was mulcted in his πρόσοδοι as well as in a sum of 300 dr. We also hear of συντάξεις, which appear to be fixed salaries, and perquisites (γέρα). And it is expressly stated that the victims consumed at the sacrificial feasts called κλῖναι are not partaken of by the προφῆται, but by the παστοφόροι. The reason why these provisions are mentioned in the Gnomon is no doubt because the ἴδιος λόγος was concerned, not directly with the maintenance of the cult as such, but with the status of the various grades of ministrants, partly because the posts to which emoluments were attached were sold by the Government, sometimes, though not always, by auction, partly, no doubt, because pecuniary penalties attached to any attempt to usurp the title or privileges of a higher grade. Interspersed amongst the regulations for the clergy are

other provisions concerning fines, i.e. we hear that those who fail to supply the necessary shrouds for the burial of an Apis or a Mnevis are mulcted in a *πρόστιμον*, the amount of which is not given; and 500 dr. is exacted (apparently, though the expression is obscure) for the dedication of votive offerings without permission.

It has been necessary to insist upon this point at some length because the current view is that the *ἴδιος λόγος* not merely supervised the temple-cults of Egypt, but was in one of his capacities actually identical with the *ἀρχιερεὺς Ἀλεξανδρείας καὶ Αἰγύπτου πάσης*, for whose existence we have epigraphic evidence. That such a variety of functions should be brought under the competence of a single Department of State is not in itself impossible: the Prussian Ministry of 'Education, Public Worship, and Medicine' might be quoted as a modern parallel. But the case is far from clear. Those who, like Paul Meyer and Plaumann, have compiled lists of the *ἴδιοι λόγοι*, have assumed the identity of this official with the *ἀρχιερεύς*, and therefore included the bearers of this latter title in their tables; but if we analyse these, the following facts emerge:

(i) There is no document belonging to the first two centuries of the Christian era in which the two titles are combined; the only example (to be considered later) belongs to the year A.D. 234.

(ii) Such facts as we know of the careers of the holders of these offices suggest that they belonged to different branches of the imperial service. The *ἀρχιερεὺς Ἀλεξανδρείας καὶ Αἰγύπτου πάσης* mentioned in an inscription from the neighbourhood of Rome[1] was a well-known scholar, by name L. Julius Vestinus. Besides the high priesthood, he held at various times the offices of Presi-

[1] *O. G. I.* 679.

dent of the Museum, Librarian of the Greek and Latin Libraries in Rome, Director of Studies to Hadrian, and Secretary-in-chief (*ab epistulis*) to the same emperor. He was an industrious lexicographer, who published notes on the vocabulary of Thucydides and the Attic Orators, and wrote an epitome of the Glossary of Pamphilus. Now let us turn to the ἴδιοι λόγοι. M. Vergilius Gallus, *idiologus ad Aegyptum* under Tiberius, is known to us from an inscription of his native town of Venafrum.[1] He was an ex-centurion (*primus pilus*), who had held the command of various auxiliary regiments before being promoted to the post of *idiologus*. At the close of the second century and beginning of the third we hear of T. Aurelius Calpurnianus Apollonides, who, after his military service as *tribunus militum*, was successively *procurator ad census* in Aquitania, procurator in Lower Moesia, in Thrace, and in Dalmatia, before holding the office of ἴδιος λόγος. A few years later P. Aelius Sempronius Lycinus, who is known to us from an inscription set up in his honour at Ancyra, after performing the *militiae equestres*, was procurator in the department of the *vicesima hereditatum* in Gallia Narbonensis and Aquitania, procurator in Dacia Porolissensis, and then *idiologus* at Alexandria (with a salary of 200,000 sesterces), before being promoted to the procuratorship of Palestine. Both these officials, then, belonged to the financial branch of the service, and by their connexion with assessments and the collection of the succession duty were well fitted to take up the duties of the *idiologus*.

(iii) Nothing that we know of the ἴδιοι λόγοι prior to the reign of Hadrian suggests that they were concerned with the supervision of public worship, but in his reign

[2] *C. I. L.* x. 4862; Dessau, 2690.

we find—if a probable restoration of Plaumann's be accepted—that the ἴδιος λόγος Marcius Moesianus sold a προφητεία, and Ti. Claudius Justus, who presided over this department under Antoninus Pius, was concerned in a similar transaction. But this, after all, is only what we should expect, since the function of the ἴδιος λόγος was to realize the assets belonging to the Imperial Government. Nor is it surprising that Pardalas, ἴδιος λόγος under Hadrian, who happens to be named in § 23 of the Gnomon as having confiscated the property of *cives Romani*—no doubt of Egyptian extraction—who contravened the prohibition of marriage between brother and sister, should also, as a Berlin papyrus[1] shows, have laid down the rule that a certificate must always be given by the μοσχοσφραγισταί, or examiners of victims, before a calf was sacrificed, since (although the Gnomon omits to inform us of the fact) it may safely be assumed that a fine was imposed for failure to procure the licence; Claudius Justus, too, who has been mentioned above, may probably be identified with the official mentioned in a British Museum papyrus,[2] who sequestered the πρόσοδοι and συντάξεις (words which seem appropriate to the stipends and emoluments of the clergy) of the plaintiffs in a suit which came before him, and threatened to impose a penalty of 200 dr. in the event of non-compliance with an order of his court. Thus the functions exercised by the ἴδιοι λόγοι in the ecclesiastical sphere, so far as the papyri throw light upon them, are just what we should expect of an official concerned with getting in revenue from miscellaneous sources and in particular from fines.

(iv) We know of no ἀρχιερεύς earlier than L. Julius Vestinus, but from the latter half of the second

[1] *B. G. U.* 258; Wilcken, *Chrest.* 8. [2] *P. Lond.* 2. 359 (p. 150).

century there are four papyri[1] which mention this official, and in every case he receives applications from priests for leave to circumcise their sons in order that they may be qualified to follow the father's profession. This is natural enough if the ἀρχιερεύς was responsible for maintaining the *personnel* of the cult: there is no good reason why the ἴδιος λόγος should be concerned, as there were apparently no fees to collect, and it is an unproved assumption that that official is in these papyri described as ἀρχιερεύς because he is acting in his ecclesiastical capacity.

On the whole, then, the balance of probability seems to be against the identification of the offices of ἀρχιερεύς and ἴδιος λόγος, so far as the period anterior to the Severi is concerned. The conditions prevailing under that dynasty and in the third century require, however, a closer examination, and must be considered under a broader aspect. We are gradually coming to recognize more clearly the important part played by Severus and Caracalla (assisted no doubt by technical advisers, including the great lawyers of the period) in the remodelling and simplification of the imperial administration. Nowhere, of course, were these changes thus brought about more far-reaching than in Egypt, where the institution of municipal councils in Alexandria and the μητροπόλεις of the nomes by Septimius Severus in A. D. 202 and the *Constitutio Antoniniana* in A. D. 212 removed the most striking of the anomalies which gave Egypt its exceptional position among the provinces. The acquisition of the Roman *civitas* by the upper strata of the population put an end to the elaborate

[1] *P. Strassb.* 60, Wilcken, *Chrest.* 77 (A. D. 149); *P. Rain.* 121, *Sammelb.*, 15–17 (A. D. 155–6); *P. Teb.* 291, Wilcken, *Chrest.* 76 (A. D. 171); *B. G. U.* 82 (A. D. 185–6).

gradation of privilege which had hitherto been maintained by the system of registration and penalties, leaving only the well-marked distinction between the *cives Romani* and the native *dediticii*, who, as the Giessen fragment of the *Constitutio Antoniniana* has shown, were excepted from the grant.

But these measures by no means exhausted the administrative reforms of the time, especially in the sphere of finance. Here we must touch upon the difficult question of the new department created by Septimius Severus under the name of the *res privata*. The biographer of Severus in the *Historia Augusta*[1] seems to connect this with the immense confiscations which followed the suppression of the rebellions of Niger and Albinus; and it has been very generally held that this *res privata* was a new 'privy purse', for which the Egyptian ἴδιος λόγος served as the model. But the discovery of the Gnomon has put a different complexion upon this matter. If the ἴδιος λόγος itself was not a 'privy purse', but a 'special account', it clearly cannot have been the prototype of the *res privata*; moreover, had it been so, we should certainly have expected to find it growing in importance from the time of Severus onwards. But this is so far from being the case that there is only one mention of the office later than the reign of Septimius Severus, and that is contained in the packet of monthly returns made by a village official in A. D. 234 to the ἐπιτροπὴ τοῦ ἰδιολόγου καὶ ἀρχιερέως, relating to the punctual performance of duty by the local clergy.[2] These documents furnish at once the latest reference to the ἴδιος λόγος and the only definite identification (if it be in fact an identifica-

[1] *Vita Severi* 12.

[2] One of these is published by Wilcken, *Chrest.* 72.

tion) of that official with the ἀρχιερεύς.[1] Is it possible that, owing to the far-reaching reorganization of the imperial finances by Septimius Severus and the lightening of the task of registration brought about by the Edict of Caracalla, the ἴδιος λόγος was now mainly concerned with ecclesiastical matters, and that his office was regularly combined with that of the High Priest? It seems not unlikely. The administration of Egypt, as indeed of the whole Empire, was thoroughly overhauled under Severus, who was indifferent to constitutional forms and official traditions, and was inspired by the desire to simplify the machinery and centralize the direction of the bureaucracy. There is some evidence, which we may briefly consider, tending to show that the various departments in Egypt were thrown into the melting-pot during this period. It used to be supposed that the official known in Greek as the καθολικός (i.e. the head of the department of οἱ καθ' ὅλου λόγοι or *summae rationes*) and in Latin as *rationalis*, was called into existence by Diocletian, but we know that he belongs to a much earlier date. A papyrus of the year A. D. 246[2] mentions one Claudius Marcellus, ὁ διασημότατος καθολικός, i. e. *vir perfectissimus rationalis*, and a *procurator*, Marcius Salutarius, in connexion with the sale of unproductive land; and the same two persons are named in an undated Oxyrhynchus papyrus,[3] also in

[1] The phrase ἡ τοῦ ἰδιολόγου καὶ ἀρχιερέως ἐπιτροπή is naturally thus interpreted: but it is just possible that the expression is a compendious one meaning 'that branch of the ἴδιος λόγος concerned with ecclesiastical matters' (which would of course be in constant relation with the ἀρχιερεύς). So in *P. Amh.* 69, Wilcken, *Chrest.* 190, ὁ τοῦ νομοῦ ἐκλογιστὴς καὶ ἴδιος λόγος may indicate that branch of the office of the ἐκλογιστής (who was primarily an official of the διοίκησις) which is concerned with receipts on account of the ἴδιος λόγος.

[2] *P. Lond.* iii. 1157 (p. 110), Wilcken, *Chrest* 375. [3] *P. Oxy.* 78.

connexion with the registration of a sale of land. Now the first case, at any rate, is one where we should have expected to find the ἴδιος λόγος concerned. But even as early as A. D. 202 we find a similar pair of officials, Claudius Julianus (the restoration is practically certain), who is simply called ὁ διασημότατος (*vir perfectissimus*) and a *procurator* named Claudius Diognetus, concerned with a survey of the γῆ κυριακή or imperial domain-land.[1] The same Claudius Julianus, ὁ διασημότατος, is mentioned in another papyrus[2] as condemning a criminal to five years' penal servitude in the alabaster quarries in A. D. 204. Now this raises a very serious question. The title *vir perfectissimus* belongs to the praefect of Egypt, and, like the provincial governors possessing the *ius gladii*, he is alone competent to inflict the penalty of penal servitude in the mines or quarries; but Claudius Julianus was not praefect of Egypt at this time, for that office was held by Subatianus Aquila, nor, it will be observed, does he bear any title except that of ὁ διασημότατος, so that we can hardly assume him to have been the first of the καθολικοί, to say nothing of the difficulty of supposing that a *rationalis* could pass a sentence of penal servitude. Now Arthur Stein has identified this person, very probably, with the Claudius Julianus who is called *vir perfectissimus praefectus annonae* in an inscription of the year A. D. 201 found in Rome (the earliest inscription, by the way, in which the title *vir perfectissimus* has been noted),[3] and I venture to hazard the suggestion that he was sent to Egypt as a special commissioner with powers co-ordinate with those of the praefect in order to carry through the reorganization of

[1] *P. Giss.* 48; Wilcken, *Chrest.* 171.
[2] *Berl. Sitzungsber.*, 1910, 713; *Sammelb.*, 4639.
[3] *C. I. L.* vi. 1603; Dessau, 1346.

the administration. Moreover we know something of his coadjutor, Claudius Diognetus, described as ὁ κράτιστος ἐπίτροπος Σεβαστῶν, i. e. *vir egregius, procurator Augustorum.* In 196–7 he was acting as deputy-ἀρχιερεύς—διαδεχόμενος τὴν ἀρχιερωσύνην—and in that capacity sold a post as στολιστής; and in A. D. 202 he issues instructions concerning land which is ἄβροχος, i. e. has not been reached by the inundation of the Nile, as we learn from a papyrus of Philadelpheia in the Fayum,[1] the only papyrus connected with this subject of γῆ ἄβροχος, in which the praefect of Egypt is passed over. Whether he bore any title other than *procurator Augustorum* it is hard to say: it has been suggested that he was ἐπίτροπος τῶν οὐσιακῶν —*procurator* of the imperial estates—on the ground that a papyrus of A. D. 214–5 mentions an official of that rank as deputy-ἀρχιερεύς; but this is not conclusive, especially in this period of transition. Again, it is not without significance that as late as A. D. 221, as we learn from an Oxyrhynchus papyrus,[2] the sum of 2255 dr. proceeding from fines levied for failure to register titles within the prescribed period, which, as the Gnomon has shown, undoubtedly belonged to the ἴδιος λόγος in the Antonine period, is paid into a bank with instructions that it is to be kept in a special account (ἰδίας τάξεως) until its destination is decided. In short, the evidence is in favour of a considerable decline in the importance of the ἴδιος λόγος owing to the reforms of the Severi; and this leaves us free to accept the view that the creation of the *res privata* was a far more revolutionary change than was formerly supposed, namely, that it set up a centralized treasury into which flowed the revenues of all the domain lands, including, of course, those of the *fiscus.* It is certain that, although the *patrimonium* of the

[1] *P. Hamb.* 11. [2] *P. Oxy.* 61.

emperors continued to exist, with its special staff of officials, the Egyptian *οὐσίαι* are from the reign of Severus onwards described as belonging to the *ἱερώτατον ταμιεῖον*, which is the proper equivalent of the *fiscus*: certain, too, that in the Codes *fundi fiscales* or *praedia fiscalia* are identical with *fundi* or *praedia rei privatae*: certain, that the *comes rei privatae* of the system of Constantine, who is the successor of the *procurator rei privatae* of Severus, dealt with *bona vacantia* and *caduca*. It is to be noted that the earliest *procurator* of the *res privata* of whom we have knowledge is no less a person than Sextus Varius Marcellus, the husband of Julia Soaemias and father of the Emperor Elagabalus, who, having been successively *procurator centenarius* of the aqueducts of Rome and *procurator ducenarius* of the province of Britain, then held the newly created office as *trecenarius*, enjoying the salary of 300,000 HS. reserved for the highest ranks of the service, and was directly promoted from this post to the wholly exceptional position of *vice praefecti praetorio et praefecti urbi*,[1] in which capacity he acted as vice-gerent of Caracalla during the emperor's absence in the East; also that the future Emperor Macrinus was *procurator rei privatae* before his promotion by Caracalla to the praefecture of the guard, and that Timesitheus, the favourite and father-in-law of Gordian III, was *procurator tam patrimonii quam rerum privatarum*. Pliny the younger, in addressing his Panegyric to Trajan, had contrasted *fiscus* and *aerarium* as *tuum* and *publicum*: it was left for Severus to draw the inevitable deduction.

The argument has led us away from the Gnomon. Let us in conclusion return to the document from which we found our point of departure—the Edict of Ti.

[1] *C. I. L.* x. 6569, Dessau 478; cf. Dio Cass. 78. 30.

Julius Alexander. Tiberius Julius Alexander was one of those secondary characters in the history of the Early Empire of whom we would gladly know more. He came of a distinguished Jewish stock, though he was not himself loyal to the faith of his fathers. His brother was the husband of Berenice, daughter of King Herod Agrippa I, his uncle was Philo the philosopher—if I dare call him by that name—and if we accept the conjecture that he is the Alexander to whom the tract *de Mundo* included in the Aristotelian corpus was dedicated, he himself was not without interest in speculative problems: but his talents were rather of the practical and especially the financial order, so that we may fairly say that his family, in the person of its two most distinguished representatives, exemplified the dual mentality of the race which gave us a Rothschild and a Spinoza. As Chief of the Staff (or rather perhaps Quartermaster-General) to Corbulo in the Armenian wars under Nero and to Titus during the Siege of Jerusalem he proved himself an organizer of victory, and his edict shows him to have been not only an expert in finance, but also an able and enlightened ruler. His edict bears witness to a genuine desire to eradicate the abuses which had become rampant in the administration of Egypt towards the close of the reign of Nero, and contains several wise and statesmanlike provisions, which must not detain us: we are concerned only with those which relate to the ἴδιος λόγος. Alexander tells us —what is easy to believe—that this department was infested by those twin pests of bureaucratic governments, the bullying and blackmailing official and the professional informer. The praefect lays down some excellent rules for dealing with these abuses. It seems that vexatious prosecutions were constantly being

brought against taxpayers and renewed time after time, although they had been dismissed by the praefect on circuit, simply for purposes of blackmail. With a touch of Oriental hyperbole, Alexander asserts that 'the city' (by which he means Alexandria) is left almost without inhabitants owing to the plague of *συκοφάνται*; and he orders firstly, that cases once decided by the head of the department shall not be reopened; secondly, that no professional informer shall appear as the advocate of another party, unless that party also puts in an appearance in person, so that he can be held responsible; thirdly, that any prosecutor who fails to make good his case three times in succession shall be punished by the confiscation of one-half of his property. And he then continues, in the passage from which we set out in our examination of the question *καὶ καθόλου δὲ ἐπικελεύσομαι τὸν γνώμονα τοῦ ἰδίου λόγου* (after this a *short* word has been lost) *τὰ καινοποιηθέντα παρὰ τὰς τῶν Σεβαστῶν χάριτας ἐπανορθῶσαι*. Dittenberger, who supposed that *γνώμων* was the official title of the Controller inserted *ἀεί* in the lacuna; the effect being to make the passage mean 'I will give general orders that the Controller of the *ἴδιος λόγος* is always to correct, i. e. to set aside, such innovations as have been made in contravention of the privileges granted by the emperors.' But we now see that a preposition—perhaps *πρός* as Schubart has suggested or possibly *κατά*—must be inserted and that Alexander's words meant 'I will give orders to restore the original provisions of the Gnomon, in respect of these innovations which have been made in contravention of imperial grants.'

Whether the reforms of Alexander produced any lasting effect it is hard to say. The net of the *fiscus* seems to have tightened under such emperors as

Vespasian and Trajan; and in the long-drawn battle of wits between the taxpayer and the Government the latter held the trump cards and played them without remorse. Let one example suffice. The very first paragraph of the Gnomon records that when an estate was confiscated by the *fiscus*, the family graves were by custom exempted: but that Trajan, finding that this led to evasions, confiscated the κηποταφεῖα[1] or private burial grounds and such-like and left only the actual tombs to the family of the defaulter. We should scarcely have understood the point of this provision but for the fact that some Alexandrian papyri[2] show that such κηποταφεῖα were regularly leased at high rentals to market-gardeners! As to the practices of the informers our evidence is scanty: but it is worth remembering that in the case of Cornelia *v.* Acutianus, which was quoted above, the original charge is described as a συκοφαντώδης κατηγορία. Nor can it, I fear, be maintained that the far-reaching administrative changes made by the Severi were dictated by any feelings of consideration for the overburdened taxpayer. On the contrary, if we knew more of them in detail we should doubtless find that they set up a landmark in the inevitable progress of the imperial bureaucracy towards the establishment of the servile State.

It is not beyond hope that we may—if fortune is once more kind to us—learn more of these changes. For there is a piece of evidence, which has not, I think, received as much attention as it deserves, showing that Septimius Severus and Caracalla substituted a revised Gnomon for that which they found in operation. A British Museum papyrus of A. D. 246 comprises two documents. The first has already been mentioned in

[1] Schubart's restoration is ingenious and seems probable.

[2] *B. G. U.* iv. 1120, al.

this lecture as containing the earliest mention of the καθολικός. The second is a specimen form (without proper names) for the use of applicants petitioning some unnamed department for instructions to be given to the land-registry at Alexandria to estop debtors from alienating real property to the prejudice of their creditors, in accordance with the law *as confirmed by the* ἱερώτατος γνώμων *of Severus and Antoninus.* I suggest that this γνώμων was a more comprehensive body of regulations (having statutory force) than the code which we have been considering, and that it was issued in connexion with the establishment of a simplified and highly centralized administration into which the ἴδιος λόγος was absorbed. Let us hope that the sands of Egypt may some day yield us a copy.

The study of the bureaucracy of Imperial Rome may seem to some to lead us into one of the most arid wastes on the map of History and to have but a remote connexion with practical issues; and what, we are asked, is the use of such studies? Certainly I should be the last to wish to see the study of Ancient History divorced from that of modern life. I well remember listening to an inaugural lecture—or perhaps I should rather say *causerie*—delivered before this University by James Anthony Froude. The lecturer endeavoured to meet the charge that History was not a science. He quoted the question put by the jesting mathematician, 'What does the *Iliad* prove?'—and his answer was that it was hard to say what it proved except the truth of the saying, 'cherchez la femme.' When I survey Ancient History as a whole and particularly the fate of ancient democracies—the brilliant promise and untimely end of the democracy of Athens and the process by which the nascent democracy of Rome was stifled at the birth—

I am reminded of another French saying. The lesson which these tragic happenings teach us—a lesson sadly confirmed by the comparison of 1914 with 1920—seems to me to be this, that for those who take the maiden Goddess of Liberty for their mistress, who woo her upon many a stricken field of battle and win her, it may be, at the price of their life's blood—for them the saying holds good, 'il est plus facile de mourir pour la femme qu'on aime que de vivre avec elle.'

So much for the general question. As for the special issue as it affects the subject of this lecture, a few words will suffice. It is a familiar saying—especially familiar, I doubt not, to the teachers and the taught in the Honour School of Literae Humaniores—that 'Autocracy means Bureaucracy'; and of course we all hope, and try to believe, that autocracies in the old sense are things of the past, and that when William of Hohenzollern made his ignoble exit from the political stage, despotism tempered by—shall we say 'telegrams'?—perished from the earth. But I very much fear that we are far from having seen the last of what may be called inverted autocracies, whether they stalk naked and unashamed as Dictatorships of the Proletariat or clothe themselves in the flowing robes of the Omnicompetent State. Those autocracies, as we already see only too plainly, will bring with them their own bureaucracies, with the old tendencies and the old dangers; and unless we are warned by the experience of the most finished system of fiscal and administrative network in which humanity has ever been enmeshed, our case is likely in the end to be little better than that of the subjects of the later emperors of Rome. That is the final justification for the expenditure of time and labour in the search for such fresh light as discovery may continue to throw upon the methods of Roman bureaucracy.

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